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Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Nuclear disarmament

Working paper submitted by the Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

1. The Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons emphasizes that the Treaty is an essential foundation for the pursuit of nuclear disarmament and a key instrument in the efforts to halt the vertical and horizontal proliferation of nuclear weapons.

2. The Group of Non-Aligned States Parties to the Treaty reaffirms the principled positions of the Movement of Non-Aligned Countries on nuclear disarmament, which remains its highest priority, and on the related issue of nuclear non-proliferation in all its aspects and stresses the importance that efforts aimed at nuclear non-proliferation should be parallel to simultaneous efforts aiming at nuclear disarmament. The Group stresses its concern at the threat to humanity posed by the continued existence of nuclear weapons and of their possible use or threat of use. The Group also reaffirms that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons.

3. The Group of Non-Aligned States Parties to the Treaty remains deeply concerned by strategic defence doctrines of the nuclear-weapon States that set out the rationales for the use of nuclear weapons, as demonstrated by the recent posture review by one of the nuclear-weapon States to consider expanding the circumstances in which these weapons could be used.

4. The Group of Non-Aligned States Parties to the Treaty also remains deeply concerned at the strategic concept for the defence and security of the members of the North Atlantic Treaty Organization, which justifies the use or threat of use of nuclear weapons, and maintains unjustifiable concepts on international security based on promoting and developing nuclear military alliances and nuclear deterrence policies.

5. The Group of Non-Aligned States Parties to the Treaty underlines that multilateralism and multilaterally agreed solutions, in accordance with the Charter of the United Nations, provide the only sustainable method of addressing disarmament and international security issues.

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6. The Group of Non-Aligned States Parties to the Treaty reiterates its strong call for the full implementation of the unequivocal undertaking given by the nuclear-weapon States at the 2000 Review Conference to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, which has also been reaffirmed by the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. That undertaking should be implemented without further delay through an accelerated process of negotiations and through the full implementation of the 13 practical steps to advance systematically and progressively towards a nuclear-weapon-free world as agreed to at the 2000 Review Conference, as well as in the conclusions and recommendations for follow-on actions of the 2010 Review Conference, which reaffirmed the continued validity of that undertaking.

7. The Group of Non-Aligned States Parties to the Treaty recalls that, in pursuit of the full, effective and urgent implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraphs 3 and 4 (c) of the 1995 decision entitled "Principles and objectives for nuclear non-proliferation and disarmament", and building upon the practical steps agreed to in the Final Document of the 2000 Review Conference, the 2010 Review Conference agreed on an action plan on nuclear disarmament that includes concrete steps for the total elimination of nuclear weapons. Accordingly, the Group strongly calls for prompt and full implementation of the 2010 Review Conference action plan on nuclear disarmament.

8. The Group of Non-Aligned States Parties to the Treaty recalls that in implementing the unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals, the nuclear-weapon States have committed to undertake further efforts to reduce and ultimately eliminate all types of nuclear weapons including through unilateral, bilateral, regional and multilateral measures. In this regard, the Group calls for full compliance of the nuclear-weapon States with such undertakings.

9. In this connection, the Group of Non-Aligned States Parties to the Treaty emphasizes in particular the prime importance of and the urgent need for full and prompt implementation of the commitments by the nuclear-weapon States under action 5 of the 2010 Review Conference action plan on nuclear disarmament. In this context, the Group further recalls that the nuclear-weapon States committed to accelerate concrete progress on the steps leading to nuclear disarmament, inter alia, through (a) rapidly moving towards an overall reduction in the global stockpile of all types of nuclear weapons; (b) addressing the question of all nuclear weapons, regardless of their type or their location, as an integral part of the general nuclear disarmament process; (c) further diminishing the role and significance of nuclear weapons in all military and security concepts, doctrines and policies; (d) discussing policies that could prevent the use of nuclear weapons and eventually lead to their elimination, lessen the danger of nuclear war and contribute to the non-proliferation and disarmament of nuclear weapons; (e) considering the legitimate interest of non-nuclear-weapon States in further reducing the operational status of nuclear weapons systems in ways that promote international stability and security; (f) reducing the risk of accidental use of nuclear weapons; and (g) further enhancing transparency and increase mutual confidence.

10. Moreover, the Group of Non-Aligned States Parties to the Treaty calls upon the nuclear-weapon States to submit a comprehensive substantive report about their undertakings under action 5 of the 2010 Review Conference action plan on nuclear disarmament to the Preparatory Committee in 2014, in order to enable the 2015 Review Conference to take stock and consider the next steps for the full implementation of article VI of the Treaty in realization of the objective of the total elimination of nuclear weapons.

11. The Group of Non-Aligned States Parties to the Treaty welcomes the convening of the first-ever high-level meeting of the General Assembly on nuclear disarmament on 26 September 2013 and underlines that the strong support, expressed at that meeting, for taking urgent and effective measures to achieve the total elimination of nuclear weapons demonstrated that nuclear disarmament remains the highest priority of the international community.

12. In this context, the Group calls for the full implementation of General Assembly resolution 68/32 on the follow-up to the 2013 high-level meeting of the General Assembly on nuclear disarmament, which: (i) calls for the urgent commencement of negotiations in the Conference on Disarmament for the early conclusion of a comprehensive convention on nuclear weapons to prohibit their possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use and to provide for their destruction; (ii) decides to convene, no later than 2018, a United Nations high-level international conference on nuclear disarmament to review the progress made in this regard; and (iii) declares 26 September as the International Day for the Total Elimination of Nuclear Weapons devoted to furthering this objective, including through enhancing public awareness and education about the threat posed to humanity by nuclear weapons and the necessity for their total elimination, in order to mobilize international efforts towards achieving the common goal of a nuclear-weapon-free world.

13. The Group further underscores the importance of the resolution, which also: (i) underlines the strong support expressed at the high-level meeting on nuclear disarmament for taking urgent and effective measures to achieve the total elimination of nuclear weapons; (ii) calls for urgent compliance with the legal obligations and the fulfilment of the commitments undertaken on nuclear disarmament; (iii) endorses the wide support expressed at the high-level meeting for a comprehensive convention on nuclear weapons; (iv) requests the Secretary-General to seek the views of Members States with regard to achieving the objective of the total elimination of nuclear weapons, in particular on the elements of a comprehensive convention on nuclear weapons, and to submit a report thereon to the General Assembly at its sixty-ninth session, and also to transmit the report to the Conference on Disarmament; (v) calls upon Member States, the United Nations system and civil society, including non-governmental organizations, academia, parliamentarians, the mass media and individuals, to commemorate and promote the International Day for the Total Elimination of Nuclear Weapons, through all means of educational and public awareness-raising activities.

14. The Group of Non-Aligned States Parties to the Treaty expresses deep concern at the continued lack of progress in the field of nuclear disarmament, which could undermine the object and purpose of the Treaty. The Group also deeply regrets the continued inflexible postures of some nuclear-weapon States that have prevented the Conference on Disarmament from establishing an ad hoc committee on nuclear

disarmament. Negotiation of a phased programme for the complete elimination of nuclear weapons with a specified time frame is necessary and should commence without any further delay. In that regard, the Group reiterates its call to establish, as soon as possible, and as the highest priority, an ad hoc committee on nuclear disarmament and recalls action 6 of the 2010 Review Conference action plan on nuclear disarmament, through which all States have agreed that the Conference on Disarmament should immediately establish a subsidiary body to deal with nuclear disarmament, within the context of an agreed, comprehensive and balanced programme of work.

15. The Group of Non-Aligned States Parties to the Treaty strongly supports banning the production of fissile materials for nuclear weapons and other nuclear explosive devices and eliminating all the past production and existing stockpiles of such materials, in an irreversible and verifiable manner and taking into account both nuclear disarmament and non-proliferation objectives, without prejudice to the inalienable right of States parties to the Non-Proliferation Treaty to develop research, production and use of nuclear energy for peaceful purposes, including their past production, existing stockpiles and future production of fissile materials under the International Atomic Energy Agency Agenda comprehensive safeguards.

16. The Group of Non-Aligned States Parties to the Treaty underlines that non-nuclear-weapon States parties to the Treaty have already agreed to a legally binding commitment not to produce fissile materials for nuclear weapons or other nuclear explosive devices.

17. The Group of Non-Aligned States Parties to the Treaty remains deeply concerned by the lack of progress towards achieving the total elimination of nuclear weapons, despite some reports of bilateral and unilateral reductions. Any such reductions are undermined by the modernization of nuclear weapons and their delivery systems, and related infrastructure by the nuclear-weapon States. In order to comply with their obligations under article VI of the Treaty, as well as with their commitments under the 13 practical steps and 2010 Review Conference action plan on nuclear disarmament, the nuclear-weapon States must immediately cease their plans to further invest in modernizing, upgrading, refurbishing or extending the lives of their nuclear weapons and related facilities. The Group is also concerned about the existence and continued deployment of tens of thousands of such weapons, whose exact number remains unconfirmed, owing to the lack of transparency in various nuclear weapons programmes.

18. In this connection, the Group of Non-Aligned States Parties to the Treaty, while noting the conclusion and entry into force of the New START Treaty between the Russian Federation and the United States of America, confirms the validity of its position delivered at the time of adoption of General Assembly resolution 65/61, entitled "Bilateral reductions of strategic nuclear arms and the new framework for strategic relations". The Group further expresses concern that domestic commitments to nuclear weapon modernization in exchange for ratification of this Treaty undermine the minimal reductions agreed upon in it.

19. The Group of Non-Aligned States Parties to the Treaty also stresses that reductions in deployments and in operational status cannot substitute for irreversible cuts in, and the total elimination of, nuclear weapons and, accordingly, calls on the nuclear-weapon States to apply the principles of transparency, irreversibility and verifiability to all such cuts, to further reduce their nuclear arsenals, both warheads

and delivery systems, thus contributing to the fulfilment of their nuclear disarmament obligations and facilitating the realization of a world free of nuclear weapons at the earliest date. The Group also recalls the commitment by the Russian Federation and the United States under action 4 of the 2010 Review Conference action plan on nuclear disarmament for the full implementation of the Treaty on Measures for the Further Reduction and Limitation of Strategic Offensive Arms and strongly urges them to adopt all required measures in order to achieve deeper reductions in their nuclear arsenals in realization of the objective of the total elimination of nuclear weapons.

20. The Group of Non-Aligned States Parties to the Treaty believes that the abrogation of the Treaty on the Limitation of Anti-Ballistic Missile Systems has brought new challenges to strategic stability and the prevention of an arms race in outer space. The Group remains concerned that the deployment of national and strategic missile defence systems could trigger an arms race or arms races, the further development of advanced missile systems and an increase in the number of nuclear weapons. In accordance with General Assembly resolution 68/29, the Group emphasizes the urgent need for the commencement of substantive work, at the Conference on Disarmament, on the prevention of an arms race in outer space.

21. The Group of Non-Aligned States Parties to the Treaty also believes that the development and qualitative improvement of nuclear weapons and the development of advanced new types of nuclear weapons and new targeting options to serve aggressive counter-proliferation purposes and the lack of progress in diminishing the role of nuclear weapons in security policies further undermine disarmament commitments.

22. The Group of Non-Aligned States Parties to the Treaty underlines the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and to bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

23. The Group of Non-Aligned States Parties to the Treaty emphasizes that the indefinite extension of the Treaty does not imply the indefinite possession by the nuclear-weapon States of their nuclear arsenals and considers, in that regard, that any assumption of indefinite possession of nuclear weapons is incompatible with the integrity and sustainability of the nuclear non-proliferation regime, both vertical and horizontal, and with the broader objective of maintaining international peace and security.

24. The Group of Non-Aligned States Parties to the Treaty further reaffirms that, pending the total elimination of nuclear weapons, it is the legitimate right of all non-nuclear-weapon States that, by becoming parties to the Treaty, have given up the nuclear weapon option, inter alia, to receive effective, universal, unconditional, non-discriminatory and irrevocable legally binding security assurances against the use or threat of use of nuclear weapons under all circumstances.

25. The Group of Non-Aligned States Parties to the Treaty reaffirms that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations.

26. In this regard, the Group of Non-Aligned States Parties to the Treaty recalls the advisory opinion of 8 July 1996 of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons* that "there is in neither customary nor conventional international law any specific authorization of the threat or use of nuclear weapons" and that "the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law".

27. Accordingly, the Group of Non-Aligned States Parties to the Treaty is of the view that, pending the total elimination of nuclear weapons, as the only absolute guarantee against the use or threat of use of nuclear weapons, the nuclear-weapon States shall seriously refrain, at any circumstances, from the use or threat of use of nuclear weapons against any non-nuclear-weapon States parties to the Treaty. In the view of the Group, any use or threat of use of nuclear weapons would be in violation of the principles of the Charter of the United Nations and international law, in particular international humanitarian law. The Group further believes that the mere possession of nuclear weapons is inconsistent with the principles of international humanitarian law. In this regard, the Group strongly calls for the complete exclusion of the use or threat of use of nuclear weapons from military doctrines.

28. The Group of Non-Aligned States Parties to the Treaty stresses the significance of achieving the universal adherence to the Comprehensive Nuclear-Test-Ban Treaty and realizing its entry into force through its ratification by the remaining States whose ratification is required for its entry into force, including, in particular, by two nuclear-weapon States, thus contributing to the process of nuclear disarmament and the enhancement of international peace and security. The Group underlines that the five nuclear-weapon States have a special responsibility to take the lead in this regard.

29. The Group of Non-Aligned States Parties to the Treaty recalls its working paper entitled "Elements for a plan of action for the elimination of nuclear weapons", which was submitted to the 2010 Review Conference in document NPT/CONF.2010/WP.47 and expresses its determination to present an updated version of this plan to the 2015 Review Conference.

30. The Group of Non-Aligned States Parties to the Treaty reiterates its call for the establishment, as a matter of priority, of a subsidiary body on nuclear disarmament in Main Committee I, mandated to focus on the issue of fulfilment of the obligations under article VI of the Treaty and on further practical measures required to achieve progress in that regard.

31. The Group of Non-Aligned States Parties to the Treaty notes with concern the lack of agreement on a number of its key priorities and expresses its determination to continue collective efforts in pursuing the realization of its aforementioned priorities in the 2015 review process of the Treaty.